

# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Montana State Office  
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Billings, Montana 59101-4669  
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In Reply To:

1510-37 (935.MC) P  
1400-300

January 26, 2006

EMAIL TRANSMISSION – 1/26/2006  
Instruction Memorandum No. MT-2006-037  
Expires: 9/30/07

To: State Management Team  
  
From: State Director  
  
Subject: Procuring Private Sector Help for Temporary Work Situations

**Program Area:** Procurement and Charge Card Management

**Purpose:** This Instruction Memorandum supplements Federal policy, Washington Office Instruction Memorandum No. 2006-054, Proper Use of Private Sector Temporary Employees, and provides instruction in the proper use of private sector temporary employees.

**Policy/Action:** The Office of Personnel Management (OPM) regulation at 5 CFR Part 300, Subpart E, defines the criteria and conditions under which agencies may use employees in temporary help service firms to meet temporary work needs for brief or intermittent periods.

This Instruction Memorandum provides specific information and procedures to supervisors and managers on when it is appropriate to procure private sector temporary help for short-term work situations versus hiring a temporary BLM employee. Temporary help service firms may be used when the initial need is for no more than 120 workdays.

Supervisors and managers may decide to use a temporary help service firm for short-term work situations, such as:

- 1) An employee is absent for a temporary period due to an emergency, accident, illness, family responsibilities, or mandatory jury duty. This does not include vacations or other circumstances, which are not shown to be compelling in the judgment of the agency.
- 2) Another situation would be that the Bureau must carry out work for a temporary period, which is critical and cannot be delayed in the judgment of the agency.

Temporary help service firms may be used when one of the situations listed above cannot be met with current BLM employees, or through the direct appointment of temporary employees within the time available by the date and for the duration of time that help is needed.

A temporary help service firm is a private sector entity, which quickly provides organizations with specific services performed by its pool of employees possessing the appropriate work skills for brief or intermittent periods. The firm is the legal employer and recruits, tests, hires, trains, assigns, pays, provides benefits and leave to, and as necessary, addresses performance problems, disciplines, and terminates its employees.

Managers cannot use temporary help service firms to:

- 1) Circumvent hiring procedures under the civil service laws for permanent employees in the competitive civil service,
- 2) Displace an employee on a permanent appointment,
- 3) Circumvent controls on employment levels or in lieu of appointing a surplus or displaced Federal employee,
- 4) Fill Senior Executive Service positions or the work of managerial or supervisory positions.

In instances where a temporary work situation is known well in advance, the manager may have sufficient time to follow the temporary appointment recruiting requirements, which include veteran's preference to determine whether qualified candidates are available by the date needed and for the length of service required.

Hiring temporary BLM employees to fill temporary work situations can take between 1 to 4 weeks depending on the availability of classified position descriptions and the designated area of recruitment.

Managers should also look at other options for accomplishing the temporary work situation such as redistributing the work among their staff, authorizing overtime, making details and/or time limited promotions, etc., of current BLM employees.

Procuring the services of a temporary help service firm, if there is already an established federal contract such as GSA, takes approximately 2 weeks. If there is not an already established federal contract, the contract will have to be processed on the open market. If contracting costs are under \$25,000, the solicitation process takes approximately 3 to 4 weeks. If the contracting costs are over \$25,000, the solicitation process takes approximately 4 to 6 weeks. A certified Contracting Officer's Representative (COR) will be appointed to be the project manager for these service contracts. Designated CORs must have 40 hours of initial Contracting Officer's

Representative training and 40 hours continuing education training every 2 years. If the contractor will be required to have logical and/or physical access, the COR will also need to take the Homeland Security Presidential Directive 12 (HSPD-12) training at:  
<http://web.wo.blm.gov/wo850/am/HSPD12/Index.htm>

**To avoid creating an appearance of an employer-employee relationship, the following criteria must be met prior to submitting a written request:**

- 1) Temporary help service firms may be used initially for no more than 120 workdays in a single work situation. (**NOTE:** If it is known initially that the temporary work situation is for more than 240 workdays, the use of temporary help service firms is not appropriate.)
- 2) If the temporary work situation still exists beyond the initial 120 workdays, the services may be extended up to a maximum of 240 workdays.
- 3) When using one individual for the requirement, the individual cannot work longer than a consecutive 24-month period, beginning with the first day the employee started work.
- 4) Recurring services cannot be broken into monthly increments in order to stay under the \$2500 maximum dollar threshold. This is known as a “split procurement” and is a violation of policy on the proper use of the charge card.

**Process for requesting the use of temporary help service firms:**

- 1) Submit a written request to the Human Resources Officer (HRO) MT-933. (Example in Attachment 1.) **Note:** If proposing to use funds from lapsed workmonths created from leave without pay (LWOP), request must be submitted by Field Office Manager or Deputy State Director and coordinated with the MSO budget staff and approved by the Associate State Director (ASD) prior to submitting. If proposing to use operational dollars no prior approval is required from the ASD.
- 2) The HRO will make a written determination to accept or deny the request back to the requesting office. (Example of Acceptance in Attachment 2.)
- 3) If approved by the HRO, and the total aggregate amount for the duration of the need for temporary help is greater than \$2500, requesting offices will submit a requisition through the Interior Department Electronic Acquisition System (IDEAS), a Statement of Work, and the acceptance determination from the HRO to their procurement official. (Examples in Attachments 1 and 2.)
- 4) The procurement official will process the requisition following Federal Acquisition Regulations.

- 5) If approved by the HRO, and the total aggregate amount for the duration of the need for temporary help is less than \$2500, the Government charge card can be used to purchase the services. All requirements stated in the Department of the Interior (DOI) and BLM Integrated Charge Card Program Guides must be followed.

Managers must train their employees/supervisors in appropriate procedures for interaction with private sector temporaries to assure that the supervisory responsibilities are carried out by the temporary help service firm. The supervisors/CORs will be required to give technical, task related instructions to contract personnel which includes orientation, task assignment, and review of work products in order for the contract requirements to be properly met. Contract workers may only be requested to complete work products as outlined in the statement of work. If you have a contractor's employee working in your office, you do not have authority to grant sick time or vacation time. This authority rests solely with the contract employee's employer.

Services furnished by temporary help employees will not be considered or treated as Federal employees for any purpose, shall not be regarded as performing a personal service, and shall not be eligible for civil service employee benefits, including retirement, monetary or non-monetary awards.

**Timeframe:** This IM is effective upon receipt.

**Budget Impact:** None

**Background:** Instruction Memorandum No. MT-2003-034, Procuring Private Sector Help for Temporary Work Situations, dated April 11, 2003, was previously issued to give guidance on the use of private sector help for temporary work situations. That IM has expired and because of the continuing need for temporary work situations, this IM is now updated and reissued. Acquisition and personnel laws and regulations require that these services be acquired properly.

**Manual/Handbook Sections Affected:** BLM Manuals 1510-Acquisition, 1512-Integrated Charge Card Guidelines, and 1400-Personnel.

**Coordination:** This IM has been coordinated with Human Resources Management and the Montana State Procurement Analyst.

**Contact:** If you have any questions, please contact Tracy Thoricht, Human Resources Specialist, at (406) 896-5224, or Mary Clark, Supervisory Procurement Analyst, at (406) 896-5205.

Signed by: Sandra C. Berain

Authenticated by: Jennifer C. McKinley, (MT-935)

2 Attachments

- 1-Memorandum for Request for Use of Temporary Help Service Firm (1 p)
- 2-Memorandum for Approval of Request for Use of Temporary Help Service Firm (1 p)

Distribution w/attms.

Assistant Field Manager, Glasgow Field Office

Assistant Field Manager, Havre Field Office



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Montana State Office  
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Billings, Montana 59107-6800  
<http://www.mt.blm.gov/>



In Reply To:

1582 (933)

## EMAIL TRANSMISSION - Memorandum

To: Human Resources Officer  
From: Requesting Office Official  
Subject: Request for Use of Temporary Help Service Firm

The (requesting office) has a temporary, emergency work requirement and is requesting approval to Use a Temporary Help Service Firm in accordance with 5 CFR Part 300, Subpart E. All management options have been considered and there are no other resources available to complete the work.

1. Please give specifics for the temporary, emergency work situation.
2. Please indicate the type of work needed (secretary, office automation clerk, etc.). Indicate any special skills or qualifications required to do the work.
3. Dates services are required.
4. Daily reporting and ending hours.
5. Office location and person contractor is to report to.
6. If funding from lapsed workmonths based on leave without pay (LWOP), attach Associate State Director approval.
7. If funding with budget unit operational dollars, identify them.

Attachment 1



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In Reply To:

1582 (933)

## EMAIL TRANSMISSION - Memorandum

To: Requesting Office Official  
From: Human Resources Officer  
Subject: Approval of Request for Use of Temporary Help Service Firm

This office has reviewed your request for the Use of a Temporary Help Service Firm for (type of work and location).

1. There are no well-qualified candidates on the special selection priority (SSP) list or the reemployment priority list (RPL).
2. There are no qualified disabled veterans with a compensable service connected disability of 30 percent or more, under 5 U.S.C. 3112, who are immediately available for temporary appointment for the required duration of the temporary work need.
3. There are no available employees that can be reassigned or detailed without causing undue delay in their regular work.
4. Submit a requisition through the Interior Department Electronic Acquisition System (IDEAS), a Statement of Work, and this memorandum to your procurement official.

Questions pertaining to this memorandum may be directed to the Branch of Human Resources Management at (406) 896-5002.